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Paper No. 21

SCOTT P. ZIMMERMAN PLLC  
P.O. BOX 3822  
CARY NC 27519

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**OFFICE OF PETITIONS**

In re Application of  
Durden, et al.

Application No. 09/751,702

Filed: December 29, 2000

Attorney Docket No. BS00155

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2004 (certificate of mailing date October 13, 2004), to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

On August 26, 2004, JOHN C. ALEMANNI of KILPATRICK STOCKTON LLP filed a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. The petition was granted on November 8, 2004.

Therefore, the instant petition is **DISMISSED AS MOOT**. Petitioner should file a request for refund of the \$1,370.00 petition fee submitted with the instant petition.

After the mailing of this decision, the application file will be forwarded to Technology Center GAU 2611.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis  
Petitions Attorney  
Office of Petitions